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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,601	11/17/2005	James Weber	19365-101518	7447

7590 10/19/2007
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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,601	Applicant(s) WEBER, JAMES	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14 is/are rejected.
- 7) ☒ Claim(s) 5-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/11/07</u> . | 6) <input type="checkbox"/> Other: ____. |

This is the first Office action for application serial number 10/534,601, Power Seat Track having a Flexible Support Assembly for a Lead Screw, filed November 17, 2005. Claims 1-15 are pending.

Priority

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. section 119(a)-(d) or (f).

Information Disclosure Statement

The information disclosure statement filed May 11, 2005 has been placed in the application file, and the information referred to therein has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,808,233 B2 to Mallard. The present invention reads on Mallard as follows: Mallard teaches a track assembly comprising a lower track (6), upper track (7),

Art Unit: 3632

a rigid shaft (17), at least one nut (19), and a cage (22). The lower track is adapted to be secured to the floor of the vehicle. The upper track is adapted to be secured to the seat assembly (2, 3). The upper track is slidably coupled with the lower track. The rigid shaft has a helical thread formed thereon. The rigid shaft is rotatably supported by the upper track (24). The at least one nut engages with the helical thread of the rigid shaft. The at least one nut has raised bumps or threads disposed on opposing lateral sides thereof. The cage is secured to the lower track (22). The cage has at least one compartment (the space receiving 19) for supporting the at least one nut (19) therein. The cage allows relative rotational movement of the rigid shaft relative to the at least one nut for displacing the upper track relative to the lower track. The at least one compartment interacting with the raised bumps (the internal threads of 19) of the at least one nut thereby allowing a predetermined amount of movement of the at least one nut within the at least one compartment (58) for preventing binding between the rigid shaft (32) and the at least one nut due to loading of the upper track relative to the lower track. The cage includes a hole (receiving 19) formed in a top surface (22) of the cage defining a receptacle for receiving the at least one nut. The receptacle includes a plurality of walls spaced from each other defining the at least one compartment. An elastic insulator (24) is disposed between the cage and at least one nut for minimizing noise and vibration between the at least one nut and cage.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallard. Mallard teaches the limitations of the base claim, excluding the at least one nut comprises a plurality of nuts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the at least one nut as taught by Mallard to have incorporated the plurality of nuts, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Allowable Subject Matter

Claim 15 is allowed.

Claims 5-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

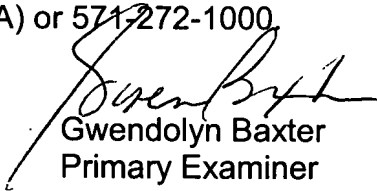
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito 5,048,886; White 5,349,878; Gauger 5,769,377; Garrido

5,941,494 and Ito 6,220,642 teach a rail system comprising an upper and lower rails, cage, nut and screw.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

September 30, 2007